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09/804,997	03/12/2001	Anthony Ancona	11406	2307

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EXAMINER

MCFADDEN, SUSAN IRIS

ART UNIT PAPER NUMBER

2655

DATE MAILED: 08/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/804,997

Applicant(s)

ANCONA, ANTHONY

Examiner

Susan McFadden

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 7 is objected to because of the following informalities: it is dependent from itself. This should be changed to a previous claim number. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,3, and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Spector (6,517,351).

In regard to claims 1,3, and 4, Spector show in Figure 1, a system and method for creating an image on a display using voice commands, containing a library comprising the steps of: a) detecting voice commands (voice recognition unit, item 13), which has a microphone coupled to it (item 14, col. 5, ln 15-16), recognizing textual speech within the voice command (pattern recognition unit, item 13), detecting a phrase within the textual speech (item 13), comparing the phrase with phrases in the library (image software contains a phrase library, item 16), and displaying on the display device images described by the phrase by displaying on the display device images

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associated with the phrase in the library (display generator, items 11,12, col. 5, ln 54-60).

4. Claims 1,3, and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Walters et al. (6,453,281).

In regard to claims 1,3, and 4, Walters et al. show in Figure 1, a system and method for creating an image on a display using voice commands, containing a library comprising the steps of: a) detecting verbal commands (voice recognition unit, col. 4, ln 18-30), which has a microphone coupled to it (item 46, col. 4), recognizing textual speech within the voice command, detecting a phrase within the textual speech, comparing the phrase with phrases in the library (image software contains a icon library, col. 5), and displaying on the display device images described by the phrase by displaying on the display device images (item 44).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector (6,517,351).

In regard to claims 2,5, and 7, Spector show the system and method in Figure 1 discussed above. Spector show that phrases are occurrences during a learning event and that the system can be used to access an Encyclopedia (Abstract). Spector do not

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specifically show that this event is a sporting event. The Examiner takes Official Notice that one of ordinary skill in the art would know that the voice recognition library could store phrases and images for a variety of events, including a sporting event. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it provides the system with another application it could be used in.

In regard to claims 6, Spector show the system and method in Figure 1 discussed above. Spector show that a microphone and speakers are used in the system (Fig. 1, items 14, 10). Spector do not specifically show that a radio with headphones is used. The Examiner takes Official Notice that one of ordinary skill in the art would know that a computer or learning application could include headphones. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it provides the system with another accessory for audio output to the user.

7. Claims 2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters et al.

In regard to claims 2,5, and 7, Walters et al. show the system and method in Figure 1 discussed above. Walter et al. show that audio phrases can be input and output. Walters et al. do not specifically show that this event is a sporting event. The Examiner takes Official Notice that one of ordinary skill in the art would know that the voice recognition library could store phrases and images for a variety of events, including a sporting event. Therefore, it would be obvious to one of ordinary skill in the


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art at the time of the invention to add this feature because it provides the system with another application it could be used in.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 703-308-6693. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

  
Susan McFadden  
Primary Examiner  
Art Unit 2655

August 5, 2003